

## REMARKS

### Pending Claims:

In response to the Examiner's Action Applicant notes that Claims 10 and 14 have been rejected under 35 U.S.C. §112. The Examiner should recognize that the phrase "preventing passage of embolic material" presented as a step within the method claims of Claims 10 and 14 is an inherent property of the membrane structures described in great detail in the specification. With regard to Claims 14-18 and 20, the Examiner finds no support for the language "the tissue engagement structures being slideable relative to said suture". The Applicant submits that the specification describes elements 108, 106 among others in great detail and the prongs typified by element 100 are free to move over the strands 106, 108 of the suture. Although the precise language is not found in the exact form in the specification the description is well understood in light of the teachings of the specification and the Applicant respectfully requests that the Examiner reconsider and withdraw the §112 claim rejections.

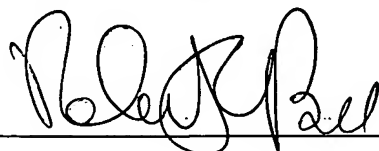
With regard to Claims 10-13 the Examiner argues that the Roth patent '074 is either a anticipation or renders the claims obvious. In Applicant's view the Roth patent fails to teach the unitary structure set forth in the claim. With reference to Roth the septal defect device patches a hole in the wall of the heart. It is important to note that there is no structural change in the aperture, i.e. it is simply occluded by the device. This is in distinct contrast to the Applicant's methods which call for slideability between the sutures and devices used to close the aperture. For this reason the claim is neither anticipated nor rendered obvious by the Roth teaching.

### CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Date: 1/2/2008

Respectfully submitted,  
ATRITECH, INC.  
By their attorneys:

A handwritten signature in black ink, appearing to read 'Robert C. Beck', written over a horizontal line.

Robert C. Beck  
Registration No. 28,184  
Beck & Tysver, P.L.L.C.  
2900 Thomas Ave., #100  
Minneapolis, MN 55416  
Telephone: (612) 915-9635  
Fax: (612) 915-9637